

SEP 14 2005

FAX TRANSMISSION**MS PCT**DATE: *September 14, 2005*

PTO IDENTIFIER: Application Number 10/519513-Conf. #5293

Patent Number

Inventor: Tim Jungkamp et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: CONNOLLY BOVE LODGE & HUTZ LLP

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Attorney Dkt. #: 12810-00008-US

PAGES (Including Cover Sheet): 8**CONTENTS:** Transmittal Of International Preliminary Examination Report
International Preliminary Examination Report
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PTO/SB/97 (09-04)

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Transmittal Of International Preliminary Examination Report
International Preliminary Examination Report

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NO. 7916 P. 3

Application No.: 10/519513

SEP 14 2005

Docket No.: 12810-00008-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tim Jungkamp et al.

Application No.: 10/519513

Confirmation No.: 5293

Filed: December 23, 2004

Art Unit: N/A

For: PROCESS FOR THE REMOVAL OF WATER
FROM A MIXTURE COMPRISING WATER
AND ZINC CHLORIDE

Examiner: Not Yet Assigned

TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

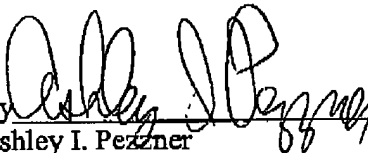
MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits herewith a translation of the International Preliminary Examination Report ("IPER") issued in the corresponding international application. The International Preliminary Examining Authority has deemed that claims 1-6 have novelty, inventive step and industrial applicability.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00008-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 
Ashley I. Pezner

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08. März 2005

**NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**
(PCT Rule 72.2)

BASF AKTIENGESELLSCHAFT
67056 Ludwigshafen
ALLEMAGNE

AST

Date of mailing (day/month/year) 03 March 2005 (03.03.2005)	Phase beendet 12.11.04
Applicant's or agent's file reference 0000053715	IMPORTANT NOTIFICATION
International application No. PCT/EP2003/007149	International filing date (day/month/year) 04 July 2003 (04.07.2003)
Applicant BASF AKTIENGESELLSCHAFT et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, GH, KG, KP, KR, MK, MZ, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

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3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Agnes Wittmann-Regis

Facsimile No. +41 22 338 89 70

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PCT/EP2003/007149



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Translation

Applicant's or agent's file reference 0000053715	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/007149	International filing date (day/month/year) 04 July 2003 (04.07.2003)	Priority date (day/month/year) 10 July 2002 (10.07.2002)
International Patent Classification (IPC) or national classification and IPC C01G 9/04, B01D 3/36, C07C 253/34		
Applicant BASF AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>2</u> sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 25 November 2003 (25.11.2003)	Date of completion of this report 07 December 2004 (07.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

Form PCT/IPEA/409 (cover sheet) (July 1998)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/007149

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-10 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____ 1-6 _____, filed with the letter of 22 June 2004 (22.06.2004)
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig. _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

 International application No.
 PCT/EP 03/07149

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-6	YES
	Claims		NO
Inventive step (IS)	Claims	1-6	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: GB469352 A

D2: Organikum, 16. bearbeitete Auflage, VEB Deutscher Verlag der Wissenschaften, Berlin 1986, page 52

D3: EP0372922 A

- The amendments submitted with the letter of 22 June 2004 do not introduce any subject matter that goes beyond the disclosure in the international application as filed (PCT Article 34(2)(b)).

Novelty

- Document D1, which is considered to be the closest prior art, discloses methods for dehydrating (drying) zinc chloride solutions by azeotropic distillation (see page 1, lines 82 to 94, example 2 and claim 1). The subject matter of claim 1 of the present application differs in that an aprotic polar diluent selected from the group of olefinically unsaturated nitriles is used.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/07149Inventive step

- 3.1 The application does not show that the use of aprotic polar diluents containing nitrile groups (2-*cis*-pentenenitrile etc.) in azeotropic drying is associated with any special technical effect.
- 3.2 In the absence of any evidence that the distinguishing feature of the invention is in fact associated with a special technical effect, the problem addressed by the said distinguishing feature is seen as that of providing new diluents for the azeotropic drying of zinc chloride solutions.
- 3.3 The choice of a suitable diluent for the azeotropic drying of a zinc chloride solution is limited only by the requirement that the diluent must be able to form an azeotrope or a heteroazeotrope with water under azeotropic distillation conditions.
- 3.4 There is nothing in the cited prior art to suggest the use of the nitriles specified in claim 1.
- 3.5 The subject matter of claim 1 therefore involves an inventive step and meets the requirement of PCT Article 33(3).
4. Claims 2 to 6 are dependent on claim 1 and therefore also meet the PCT requirements in respect of novelty and inventive step.